

DANIELE CERVINO, L.L.C.
ATTORNEY AT LAW



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NJ and NY Bars

Via Certified Mail RRR #7099 3400 0015 9710 5048

January 9, 2003

Clay Monroe, Esq.
Assistant Regional Counsel
Office of Regional Counsel
USEPA
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: Response to CERCLA Request for Information
Berry's Creek Study Area
Mario's Portable Services, Inc. et al.

Dear Mr. Monroe:

This firm has been retained to assist in the response to EPA's CERCLA Request for Information by Mario's Portable Services and certain other related entities. Enclosed is the response and certification of Mario Moriano. Should you require any clarification for the response, please do not hesitate to contact me.

Sincerely,

Daniele Cervino

Encl.

cc: Mario Moriano (w/encl.)
Angela Moriano (w/encl.)

Seth Ausubel (w/encl.)
Remedial Project Manager
USEPA, Region II
Emergency & Remedial Response Division
290 Broadway, 19th Floor
New York, NY 10007-1866

437898



Mario's Portable Services, et al. - Response to USEPA CERCLA Request for Information

- 1a. Mario's Potable Services
c/o Mario Moriano
P. O. Box 7382

East Rutherford, NJ 07073
- b. A corporation of the State of New Jersey
- c. Mario Moriano - President, P.O. Box 7382, East Rutherford, NJ 07073
Angela Moriano - Secretary, P. O. Box 805, Lyndhurst, NJ 07071
- d. The related NJ formed corporate or fictitious entities for which Mario and Angela are principals - officers and operated at the 288 Paterson Plank Road, East Rutherford location are:
 - 1) Jersey Carting, a NJ Corporation
Solid waste carting company (Angela Moriano – President)
 - 2) AML Realty, property owner and landlord
 - 3) TML Repair
 - 4) Meadowlands Recycling
 - 5) AJL Repairs

Note: Mario Moriano is President of all entities except for Jersey Carting. Alfred Porro, Esq. formed corporation and handled real estate transactions. Porro is no longer in practice.
- e. Approximately 1962. NJ
Angela Moriano, P. O. Box 805, Lyndhurst, NJ 07071
- f. Not applicable
2. Approximately 2 acres on Paterson Plank Road in East Rutherford, NJ in the vicinity of the Meadowlands Sports Complex.
Improved with a building currently leased to CPQ Freight Systems, a trucking and freight company for commercial use since September 2001.
Property owner in tax records is M. Moriano.
Property is located in Block 105.02, Lot 4 (formerly known as 105B, Lot 6D) on the tax map of East Rutherford.
3. The companies engaged in the sanitary solid waste transportation and equipment rental and maintenance business. The business started in the early 1960's and ceased on or about July 1, 1997 and leased the property to CPQ Freight Systems, an unrelated entity,

in 2001. The repair entities engaged in vehicle maintenance and sales. Vehicle maintenance ceased in East Rutherford in the early 1980's.

4. Leased from approximated 1962-1997. Property owner still owns land, Companies, had same principals so leases were month-to-month.
5. Property was vacant prior to 1960.
6. All of the entities either owned or operated the site. Mario and Angela Moriano are principals of the related entities all providing sanitary solid waste transportation and related services. They were all organized around the same time and have all ceased operations, except AML Realty, which still owns the property.
7.
 - a. Solid waste transportation
 - b. No products manufactured
 - c. No research and development activities
 - d. Early 1960's to 1997.
8. July 1, 1997 company was sold.
9. Waste oil during vehicle maintenance generated until the 1980's. Bill's Oil Service Co. took the oil waste and paid three cents/gallon. Safety Kleen provided a parts washer which it leased and regularly removed spent parts washing solvents. This was a closed system.
10. Solid waste transportation license
No RCRA or NJPDES permits
11. Motor oil – AST interior
Safety Kleen parts washer – interior
Antifreeze – interior
Transmission fluid (120 gallon drums) – interior
Waste oil tank – interior
12. Regular amounts for vehicle maintenance. Ceased 1980. Maintenance operation moved to Paterson.
13. Bill's Oil Service – waste oil
Safety Kleen – parts washer
No records of current addresses.
14. Providers in 13 above
15. No remediation undertaken. USEPA conducted a study in early 1990's upon observation of the presence of cut plastic 55-gallon barrels (used for recycling customers). Came to the property three times to collect samples. No results were provided.
16. Active Oil Service collected samples in February 1993 (split sampling with EPA) in the area under and outside a tanker and analyzed for petroleum hydrocarbons. Hydrocarbons

were detected. In May 1993, deeper samples were taken in the area at a depth of 1'. The spill appeared to be limited to the surface. The amount of petroleum cannot be determined, but was limited to a surficial spill by a tanker. No process or effluent discharges.

17. Chemicals not released from the site.
18. No Industrial Wastes obtained from customers.
19. See 18 above
20. See 18 above
21. Angela & Mario Moriano provided information to Daniele Cervino, Esq., who typed response.
22. All-Test Environmental Laboratories, Inc. report for project #S-3673 dated February 1, 1993 and #S-3894 dated May 18, 1993.

Certification to response attached

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of NJ

County of BERGEN:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

MARIO MORIANO

NAME (print or type)

President

TITLE (print or type)

Mario Moriano

SIGNATURE

Sworn to before me this 6th

day of JANUARY 2003

Steven Luhmann

Notary Public

STEVEN LUHMANN
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 9/24/2004

Request for Information Regarding Chemical Releases to the Berry's Creek Study Area

Instructions: As instructed in Question 17, please complete this form by marking the appropriate spaces. Indicate whether each of the chemicals listed has ever been released from the Site to the Berry's Creek Study Area, including creeks, ditches, or other water bodies, or wetlands. Follow additional instructions below. Return the completed form along with your other responses to the Request for Information in the Matter of the Berry's Creek Study Area, Bergen County, New Jersey. N/A signifies no information available.

	YES	NO	N/A
acenaphthene		✓	
acetylene			
anthracene		✓	
aluminum			
antimony		✓	
arsenic			
benz(a)anthracene		✓	
benzene			
benzo(a)pyrene		✓	
benzo(b)fluoranthene		✓	
benzo(g,h,i)perylene		✓	
benzo(k)fluoranthene		✓	
bis(2-ethylhexyl)phthalate		✓	
butyl benzyl phthalate		✓	
cadmium		✓	
chlorinated dibenzofurans (if "yes", please list specific compounds on a separate sheet)		✓	
chlorobenzene			
chloroform		✓	
chromium			
chrysene		✓	
copper			
cyanide		✓	
dibenz(a,h)anthracene		✓	
dichlorobenzene		✓	
1,2-dichlorobenzene		✓	
di-n-butyl phthalate		✓	
1,2-dichloroethane		✓	
1,1,1-trichloroethane		✓	
di-n-octyl phthalate		✓	
ethylbenzene			
fluoranthene		✓	

	YES	NO	N/A
fluorene		✓	
fluoranthene			
indeno(1,2,3-cd)pyrene		✓	
iron			
manganese		✓	
mercury			
methylene chloride		✓	
1,1,1,2,2,2-hexachloroethane			
methyl mercury		✓	
2-methyl naphthalene			
naphthalene		✓	
nickel			
pentachlorophenol		✓	
perchloroethylene		✓	
phenanthrene		✓	
plutonium			
polychlorinated biphenyls (if "yes" please list specific congeners and aroclors on a separate sheet)		✓	
polycyclic aromatic hydrocarbons (if "yes" please list specific congeners and aroclors on a separate sheet)			
pyrene		✓	
selenium			
silver		✓	
1,1,2,2-tetrachloroethane			
tetrachloroethylene		✓	
thallium			
toluene		✓	
1,2,3-trichloroethylene			
1,1,1-trichloroethane		✓	
trichlorobenzene			
vinyl chloride		✓	
vanadium			
zinc		✓	

Mauro M. M...
Name of person completing form

Mauro M. M...
Company

288 Peterson Place Rd.
Site (as defined in the "Instructions")



**ALL-TEST
ENVIRONMENTAL
LABORATORIES, INC.**

60 Railroad Avenue, Hasbrouck Heights, N.J. 07604
(201) 288-6511 FAX: (201) 288-6887

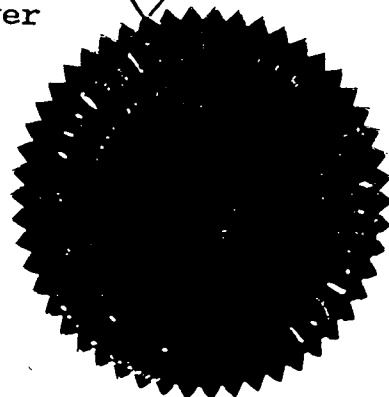
Client Name: Active Oil Service Date: February 1st, 1993
Laboratory Project No: S-3673
Reference: Mario's Service/Jersey Carting
Location: New Jersey

LABORATORY AUTHENTICATION STATEMENT

I certify that ALL-TEST ENVIRONMENTAL LABORATORIES meets the Laboratory Performance Standards and Quality Control requirements specified in N.J.A.C. 7:18, 40 CFR Part 136 for Water and Wastewater analyses and SW 846 for Solid Waste Analyses. I have personally examined and am familiar with the information contained in this report, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, complete, and meets the standards specified in N.J.A.C. 7:18, 40 CFR Part 136, and/or SW 846.

By:


Irving Berkowitz
Laboratory Manager





**ALL-TEST
ENVIRONMENTAL
LABORATORIES, INC.**

60 Railroad Avenue, Hasbrouck Heights, N.J. 07604

(201) 288-6511

FAX: (201) 288-6887

PHC ANALYSIS CONFORMANCE/NON-CONFORMANCE SUMMARY FORMAT

Laboratory Project No.: 5-3673

NO

YES

✓

1. Blank Contamination - If yes, list the sample and the corresponding concentration in each blank:

2. Matrix Spike/Matrix Spike Duplicate Recoveries Meet Criteria

(If not met, list the sample and corresponding recovery which falls outside the acceptable range)

✓

3. IR Spectra submitted for all standards, blanks, and samples

✓ N/A

4. Chromatograms submitted for all standards, blanks, and samples if GC fingerprinting was conducted

N/A

5. Extraction Holding Time Met

✓

If not met, list number of days exceeded for each sample:

6. Analysis Holding Time Met

✓

If not met, list number of days exceeded for each sample:

Additional Comments: A fixed wave length I.R. was used to analyze the samples. No IR Spectra or Strip Chart is generated with this instrument, therefore no IR Spectra or Strip Chart was provided.

LABORATORY MANAGER:

DATE:

2-01-93



**ALL-TEST
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60 Railroad Avenue, Hasbrouck Heights, N.J. 07604
(201) 288-6511 FAX: (201) 288-6887

February 1, 1993

Active Oil Service Inc.
110 Riverside Avenue
Newark, New Jersey 07104

Att: Ms. Jan Sauer

Reference: Mario's Service/Jersey Carting
Laboratory Project # S-3673

Date Extracted - 1/29/93

Date Analyzed - 2/01/93

Please note the following results for the soil samples received on 1/29/93 and tested for "Total Petroleum Hydrocarbons" ... All results are reported mg/kg (ppm) after correcting for moisture present. Method Detection Limit for this analysis is 5.0 mg/kg (ppm)

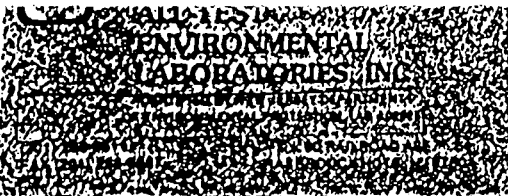
Sample #	Percent Solids	Results(mg/kg)
JC - 1	81.2%	30005.7 ppm
JC - 2	79.2%	122270.1 ppm
JC - 3	87.2%	34136.2 ppm
Method Blank		<5.0 ppm

By:


Irving Berkowitz
Laboratory Manager

Quality Control/Quality Assurance

Spike	Percent Recovery	Spike Dup.	Percent Recovery
S-3670	#7 92.1%	S-3670	#7 95.2%



TOTAL ANALYTICAL SERVICES FOR A SAFE ENVIRONMENT

REPORT TO:

Client Name Active Oil Service Page 1 of 1
Address 110 Riverside Ave.
NEWARK, NJ
Phone 201-462-4600 FAX 201-462-2192
Attn. J. SAUER

CHAIN OF CUSTODY RECORD

PROJECT NO.		PROJECT NAME		ANALYSIS												REMARKS						
CLIENT NAME		LAB. #																				
SAMPLE I.D. NO.	DATE	TIME	COMP	GRAB	SAMPLE LOCATION #	NUMBER OF CONTAINERS	GC/MS BASE NEUTRALS/ACID	GC/MS VOLATILES	ICLUP METALS-ORGANICS	PESTICIDES + HERBICIDES	TOC/TOX/DOC/COD	PH - CORROSION	FLASHPOINT - IGNITABILITY	CM.S REACTIVITY	METALS	BTEX	PCBS	PETROLEUM HYDROCARBONS	OTHER	PRESERVATIVE	ADDITIONAL REQUIREMENTS	
	1/29	2:00 PM		X	Under TANKER JC-1	1												X				* Call ADS w/
	"	"		X	Outside " JC-2	1												X				Levels -
	"	"		X	" " JC-3	1												X				ADDITIONAL ANALYSES possible.
						TOTAL	3															
SHIPPED VIA:																						
RELINQUISHED BY (SIGNATURE) <u>[Signature]</u>		DATE/TIME <u>1/29/93 4:00</u>		AGENT OF <u>Active Oil Service</u>		RECEIVED BY (SIGNATURE) <u>[Signature]</u>		DATE/TIME <u>1-29-93 16:00</u>		AGENT OF <u>ALL-TEST LABS</u>												
PRINTED NAME <u>CRAIG MCSONNAN</u>						PRINTED NAME																
RELINQUISHED BY (SIGNATURE)		DATE/TIME		AGENT OF		RECEIVED BY (SIGNATURE)		DATE/TIME		AGENT OF												
PRINTED NAME						PRINTED NAME																
RELINQUISHED BY (SIGNATURE)		DATE/TIME		RECEIVED FOR LABORATORY BY (SIGNATURE)		DATE/TIME		REMARKS														
PRINTED NAME				PRINTED NAME																		
SAMPLER (SIGNATURE)						SAMPLER'S NAME (PRINT)																

Client Retains Pink Copy Only



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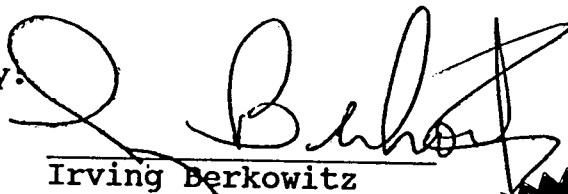
60 Railroad Avenue, Hasbrouck Heights, N.J. 07604
(201) 288-6511 FAX: (201) 288-6887

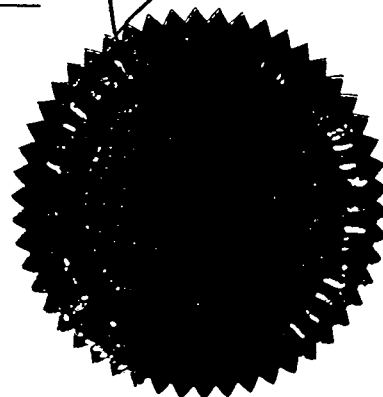
Client Name: Active Oil Services Date: May 18th, 1993
Laboratory Project No: S-3894
Reference: Jersey Carting Service
Location: New Jersey

LABORATORY AUTHENTICATION STATEMENT

I certify that ALL-TEST ENVIRONMENTAL LABORATORIES meets the Laboratory Performance Standards and Quality Control requirements specified in N.J.A.C. 7:18, 40 CFR Part 136 for Water and Wastewater analyses and SW 846 for Solid Waste Analyses. I have personally examined and am familiar with the information contained in this report, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, complete, and meets the standards specified in N.J.A.C. 7:18, 40 CFR Part 136, and/or SW 846.

By:


Irving Berkowitz
Laboratory Manager





**ALL-TEST
ENVIRONMENTAL
LABORATORIES, INC.**

60 Railroad Avenue, Hasbrouck Heights, N.J. 07604
(201) 288-0511 FAX: (201) 288-6887

PHC ANALYSIS CONFORMANCE/NON-CONFORMANCE SUMMARY FORMAT

LABORATORY PROJECT NO. - S-3894

NO YES

- 1.) Blank Contamination - If yes, list the sample and the corresponding concentration in each blank:

X

- 2.) Matrix Spike/Matrix Spike Duplicate Recoveries Meet Criteria; X

(If not met, list the sample and corresponding recovery which falls outside the acceptance range)

- 3.) IR Spectra Submitted For All Standards, Blanks, and Samples; N/A

- 4.) Chromatograms Submitted For All Standards, Blanks and Samples If GC Fingerprinting Was Conducted;

- 5.) Extraction Holding Time Met; N/A X

If not met, list number of days exceeded for each sample:

- 6.) Analysis Holding Time Met; X

If not met, list number of days exceeded for each sample:

ADDITIONAL COMMENTS: A fixed wave length I.R. was used to analyze the samples. No IR Spectra or Strip Chart is generated with this instrument, therefore, no IR Spectra or Strip Chart was provided.

LABORATORY MANAGER: [Signature]

DATE: 5/18/93



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All-Test Method Summaries

Total Petroleum Hydrocarbons in Soil

EPA method 418.1 - a 20 gram sample of soil is weighed and placed into a glass fiber thimble. The glass fiber thimble is placed in a Soxlet Extractor. The soil is acidified with a 1:1 concentration of Hydrochloric acid. 1,1,2-trichloro-1,1,2-trifluoroethane is added to a flask, and the Soxlet is placed on top of the flask. A condenser is placed on top of the Soxlet and the flask is heated. The 1,1,2-trichloro-1,1,2-trifluoroethane is refilled for a 4 hour period. Silica gel, 60-200 mesh is added to the flask and set aside to be analyzed by Infra-Red Spectrophotometer.

Total Petroleum Hydrocarbons in Water

EPA method 418.1 - a one Liter sample of water is acidified with Sulfuric Acid and 30 ml of 1,1,2-trichloro-1,1,2-trifluoroethane is added to a Sepatory Funnel. The 1,1,2-trichloro-1,1,2-trifluoroethane is agitated and then the 1,1,2-trichloro-1,1,2-trifluoroethane decanted out of the bottom of the sepatory funnel. This process is repeated three times and the 1,1,2-trichloro-1,1,2-trifluoroethane is placed in a 100 ml volumetric flask and brought to volume. Silica gel is added to the flask and set aside to be analyzed by Infra-Red Spectrophotometer.



**ALL-TEST
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LABORATORIES, INC.**

60 Railroad Avenue, Hasbrouck Heights, N.J. 07604
(201) 288-6511 FAX: (201) 288-6887

May 18th, 1993

Active Oil Service Inc.
110 Riverside Avenue
Newark, New Jersey 07104

Att: Ms. Jan Sauer

Reference: Jersey Carting Service
Laboratory Project # S-3894

Date Extracted - 5/17/93

Date Analyzed - 5/18/93

Please note the following results for the soil samples received on 5/17/93 and tested for " Total Petroleum Hydrocarbons " ... All results are reported mg/kg (ppm) after correcting for moisture present. Method Detection Limit for this analysis is 5.0 mg/kg (ppm)

Sample #	Percent Solids	Results(mg/kg)
<u>#1 / 1 Ft.</u>	86.4%	11,246.5 ppm
<u>#2 / 1 Ft.</u>	90.2%	15,944.6 ppm
<u>#3 / 1 Ft.</u>	86.2%	8,910.5 ppm
Method Blank		<5.0 ppm

By: 

Irving Berkowitz
Laboratory Manager

Quality Control/Quality Assurance

Spike	Percent Recovery	Spike Dup.	Percent Recovery
<u>S-3895</u>	#8 96.2%	<u>S-3895</u>	#8 99.4%

60 Railroad Avenue
Hasbrouck Heights, NJ 07604
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[illegible]